

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**IN RE NATIONAL PRESCRIPTION  
OPIATE LITIGATION**

This document relates to:

*County of Summit, Ohio, et al. v. Purdue  
Pharma L.P., et al.*, Case No. 1:18-OP-45090  
(N.D. Ohio)

*Broward County, Florida v. Purdue Pharma  
L.P., et al.*, Case No. 18-OP-45332 (N.D.  
Ohio)

*Cabell County Commission, West Virginia v.  
AmerisourceBergen Drug Corp., et al.*, Case  
No. 17-OP-45053 (N.D. Ohio);

*County of Monroe, Michigan v. Purdue  
Pharma L.P., et al.*, Case No. 18-OP-45158  
(N.D. Ohio);

*The City of Chicago, Illinois v. Purdue  
Pharma L.P.*, Case No. 17-OP-45169 (N.D.  
Ohio) (“Chicago I”)

*City of Chicago v. Cardinal Health, Inc., et  
al.*, Case No. 18-op-45281 (“Chicago II”)

MDL NO. 2804

Case No. 17-md-2804

Hon. Dan Aaron Polster

**PLAINTIFFS’ NOTICE OF SUPPLEMENTAL AUTHORITY**

NOTICE is hereby given of supplemental authority recently issued that supports Plaintiffs’ oppositions to the motions to dismiss filed in the above-captioned cases. *See* Doc. 653

(Chicago I), Doc. 654 (Summit County and City of Akron), Doc. 726 (Chicago II), Doc. 727 (Cabell County), Doc. 729 (Monroe County), and Doc. 730 (Broward County).<sup>1</sup>

We write to provide the Court with a recent decision by the Ross County, Ohio Court of Common Pleas in *State of Ohio ex rel. Mike DeWine, Ohio Attorney General v. Purdue Pharma L.P., et al.*, Case No. 17 CI 261 (Aug 22, 2018) (Attached as Exhibit A). The decision denied a motion to dismiss by opioid manufacturers, sustaining each of the six counts alleged.

The Court rejected, *inter alia*, the defendants' preemption arguments and arguments that common law nuisance and other claims were abrogated by the Ohio Products Liability Act. *See* Ex. A at 6 & 8). The Court further held that the plaintiff adequately pled a public nuisance claim under *Cincinnati v. Beretta*, 95 Ohio St. 3d 416 (2002). *See* Ex. A at 7. Likewise, the Court sustained the plaintiff's Ohio Corrupt Practices Act claim as adequately pled. *See* Ex. A at 9-11.

The ruling provides further support for denying the pending motions to dismiss.

August 24, 2018

Respectfully submitted,

/s/ Elizabeth J. Cabraser

Elizabeth J. Cabraser  
Paulina do Amaral  
Abby Wolf  
**LIEFF, CABRASER, HEIMANN &  
BERNSTEIN, LLP**  
275 Battery Street  
San Francisco, CA 94111  
Tel: 415-956-1000  
Fax: 415-956-1008  
[ecabraser@lchb.com](mailto:ecabraser@lchb.com)

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<sup>1</sup> Unless otherwise noted, all references to "Doc. \_\_\_" are to the master docket in *In re: National Prescription Opiate Litig.*, Case No. 1:17-MD-2804 (DAP) (N.D. Ohio).

[pdoamaral@lchb.com](mailto:pdoamaral@lchb.com)  
[awolf@lchb.com](mailto:awolf@lchb.com)

Linda Singer  
Louis Bograd  
**MOTLEY RICE LLC**  
401 9<sup>th</sup> Street NW, Suite 1001  
Washington, DC 20004  
Tel: 202-232-5504  
Fax: 202-386-9622  
[lsinger@motleyrice.com](mailto:lsinger@motleyrice.com)  
[lbograd@motleyrice.com](mailto:lbograd@motleyrice.com)

Paul Hanly  
Jayne Conroy  
Andrea Bierstein  
**SIMMONS HANLY**  
**CONROY** 112 Madison  
Avenue, 7th floor New York,  
New York  
10016-7416  
[phanly@simmonsfirm.com](mailto:phanly@simmonsfirm.com)  
[JConroy@simmonsfirm.com](mailto:JConroy@simmonsfirm.com)  
[ABierstein@simmonsfirm.com](mailto:ABierstein@simmonsfirm.com)

Ann Saucer  
**BARON & BUDD**  
Ste. 1100  
3102 Oak Lawn Avenue  
Dallas, TX 75219  
[asaucer@baronbudd.com](mailto:asaucer@baronbudd.com)

Paul Thomas Farrell Jr.  
**GREENE, KETCHUM, FARRELL,**  
**BAILEY & TWEEL LLP**  
419 Eleventh Street  
Huntington, WV 25701  
[paul@greeneketchum.com](mailto:paul@greeneketchum.com)

Joe Rice  
**MOTLEY RICE LLC**  
28 Bridgeside Blvd.  
Mount Pleasant, SC 29464  
[jrice@motleyrice.com](mailto:jrice@motleyrice.com)

*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 24th day of August 2018, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF System. Copies will be served upon counsel of record by, and may be obtained through, the Court CM/ECF Systems.

/s/Elizabeth Cabraser

*Attorney for Plaintiffs*